IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH AT HYDERABAD

TUESDAY, THE EIGHTEENTH DAY OF SEPTEMBER
TWO THOUSAND AND SEVEN
PRESENT
THE HON'BLE SRI JUSTICE: D.S.R.VARMA
AND
THE HON'BLE SRI JUSTICE: K.C.BHANU

CRIMINAL APPEAL NO : 608 of 2005

(Criminal Appeal under Section 378 (3) & (1) of Cr.P.C. against the Judgment of the court of the III Additional Sessions Judge, Guntur, made in SC. No. 14 of 1994, dated: 26-02-1998)

Between:

The Public Prosecutor, High Court of A.P., Hyderabad

……Appellant

AND

1. Nagandla Gopaiah
2. Nagandla Suryanarayana @ Surayya
3. Unnam Lakshmaiah S/o Latchaiah,
   All are R/o. Telukuntla village

…….Respondents

The Appeal coming on for hearing upon perusing the Appeal and the memo of grounds filed herein, and upon hearing the arguments of the Public Prosecutor for the Appellant and Sri K.Vijay Chowdary, Advocate for the Respondents being not present, the Court made the following

ORDER:

"Heard learned Public Prosecutor appearing for the appellant, State, at length.

Learned counsel for the Respondents, accused, is not present nor there is any representation on his behalf.

In view of the non-co-operative attitude of learned counsel for the Respondents, accused, we have no option except to direct the III Additional Sessions Judge, Guntur to initiate proceedings under Section 390 Cr.P.C.

The III Additional Sessions Judge, Guntur, is further directed to furnish the non-material, part of the record in connection with Sessions Case No. 14 of 1994, to this Court, forthwith, and also directed to explain as to why the non-material part of the record has not been forwarded to this Court along with the other record. The said explanation has to be submitted along with the non-material part of the record on or before 25-09-2007.

Registry is directed to forward a copy of this order forthwith by Fax.

It has been noticed by this Court that, in good number of cases, the non-material part of the record, which contains 161

Cr.P.C, statements, etc., is not being furnished to this Court as and when appeal is preferred, and when the Court wants to examine such documents, for the purpose of clarification on certain aspects, considerable time is to be spent.

It is further noticed by this Court that in some cases, non-material record is being forwarded partially.

Therefore, Registry is directed to issue directions to all the Unit Heads to send the entire record, duly indexed, including non-material part of the record, to this Court, for effective adjudication at the time of hearing of the appeal, with the approval of the Hon'ble the Chief Justice."

ASSISTANT REGISTRAR

//TRUE COPY//

FOR ASSISTANT REGISTRAR

To

1. The III Additional Sessions Judge, Guntur (BY FAX/SPEED POST)
2. The Registrar (Judicial), High Court of A.P., Hyderabad (for his kind perusal)
3. The Section Officer, Criminal Section, High Court of A.P., Hyderbad
4. Two CCs to Public Prosecutor, High Court of A.P., Hyderbad (OUT).
5. Two Spare Copies

AB

HIGH COURT

AB
DRAFTED ON 19-09-2007

DSRVJ
&
KCBJ

DATE: 18-9-2007

ORDER

CRL.A. NO. 608 OF 2005

DIRECTION